

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.18522 of 2003

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Dated:04.08.2006

Between:
Komarala Padmavathi.

..... PETITIONER

AND

The District Collector, Nellore District, Nellore, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.18522 of 2003

ORDER:

This Writ Petition is filed seeking a mandamus declaring the action of the second respondent and the third respondent in issuing notification in Rc.J.1124/2003, dated 14.08.2003, calling the applications for filling up of the vacancy of civil supplies fair price shop dealer of Gadela Dinne (Dinne) Village, after selecting the petitioner for the same vacancy in the interview held on 19.05.2003, as arbitrary and illegal.

Generally speaking, nobody has a right to seek appointment simply because a person is selected in a particular process of selection, unless the appointment is made, nor such people will be allowed to question the notification issued thereafter.

But interestingly in this case, the petitioner asserted that after her selection as a fair price shop dealer, antecedents were called for, and thereafter, no communication is received as to her appointment etc., but the impugned notification has been issued renotifying the vacancy and

calling for applications. According to the petitioner at the behest of some political pressures, the respondents have denied her appointment, though she was selected. Therefore, the reissuance of notification was illegal and arbitrary.

A detailed counter affidavit has been filed on behalf of the respondents. It is asserted in the counter affidavit that the Mandal Revenue Officer enquired into the antecedents of the petitioner after her selection and noticed that she got bitter animosity in the Village. Further, her husband is doing some business at a distance of 85 Kms from the Village. A special report was obtained on 29.12.2004 in which also it was revealed that the husband of the petitioner is working in Gudur Town. In the counter affidavit it is asserted that the Sarpanch, Gadela Dinne Village, the MPTC and others have stated that the petitioner used to go to Gudur frequently as her husband is doing business in Gudur Town and she cannot distribute the essential commodities properly throughout the month. Under those circumstances, the renotification has been issued.

Learned Government Pleader has placed before this Court the special report purported to have been submitted by the Mandal Revenue Officer, Vidavalur, dated 29.07.2003, which says that there was bitter opposition in the Village regarding the candidature of the petitioner for the fair price shop dealership as her husband is working at Gudur. The Sarpanch of the Village and MPTC and others have also put in objection before the Mandal Revenue Officer, Vidavalur, opposing the candidature of the petitioner as fair price shop dealer, but refused to give statement to that effect.

This itself shows that even before her appointment, at the behest of the Sarpanch and MPTC – due to political pressures, the candidature of the petitioner was not accepted. I am of the opinion that if such reports and such objections of the Sarpanch and MPTC who refused to give any statements, is relied upon in the guise of verification of

antecedents, it would definitely lead to some chaos and does not satisfy the due process of law. It is not the case of the respondents that she is attached to any political party, either herself or her husband is involved in any criminal case, or earlier she was allotted with a fair price shop, and she was involved in any irregularities or any of her family members were involved in this regard. In the absence of these things, the antecedents purported to have been verified by the Mandal Revenue Officer on 29.07.2003 does not call for disqualification of the petitioner for being appointed as fair price shop dealer.

In view of the above, the impugned notification is set aside and the authorities concerned are directed to re-enquire into the matter as to the antecedents of the petitioner, and take appropriate decision as per law, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly allowed, to the extent indicated above. No costs.

(C.V.RAMULU, J)

Dated:04.08.2006.

vs

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